

**SUPREME COURT MINUTES
MONDAY, AUGUST 31, 1998
SAN FRANCISCO, CALIFORNIA**

S057191 People, Plaintiff and Respondent

v.

Lawrence Birks, Defendant and Appellant

The judgment of the Court of Appeal is reversed insofar as it holds that defendant's conviction must be reversed for *Geiger* error. The cause is remanded to the Court of Appeal for further proceedings consistent with the views expressed in this opinion.

Baxter, J.

We Concur:

George, C.J.

Kennard, J.

Chin, J.

Concurring Opinion by Mosk, J.

Concurring Opinion Werdegarr, J.

Concurring Opinion Brown, J.

S058721 People, Plaintiff and Respondent

v.

Scott Breverman, Defendant and Appellant

The judgment of the Court of Appeal is reversed insofar as it holds that defendant's murder conviction must be reversed because the heat of passion issue erroneously omitted from instructions on the lesser included offense of voluntary manslaughter was not necessarily resolved by the jury in another context. The cause is remanded to the Court of Appeal for further proceedings consistent with the views expressed in this opinion.

Baxter, J.

We Concur:

George, C.J.

Werdegar, J.

Chin, J.

Dissenting Opinion by Mosk, J.

Dissenting Opinion by Kennard, J.

Dissenting Opinion by Brown, J.

S060370 Richard Green, Plaintiff and Appellant

v.

Ralee Engineering Company, Defendant and Respondent

[W]e affirm the Court of Appeal judgment and remand the matter for proceedings consistent with this decision.

Chin, J.

We Concur:

George, C.J.

Mosk, J.

Werdegar, J.

Concurring Opinion by Kennard, J.

Dissenting Opinion by Baxter, J.

I Concur:

Brown, J.

Dissenting Opinion by Brown, J.

I Concur:

Baxter, J.

S058851 In re Richard Gonzales Samayoa

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including September 30, 1998.

S069442 People, Respondent

v.

James R. Metters, Jr., Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including September 28, 1998.

S069685 In re Curtis F. Price

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including September 21, 1998.

S068344 In the Matter of the Resignation of **Joel Howard Goldberg**
A Member of the State Bar of California

The voluntary resignation of **Joel Howard Goldberg** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)